

DUMONT JOINT LAND USE BOARD MINUTES FOR JULY 27, 2010 MEETING

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**July 27, 2010
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on July 27, 2010. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record* and the *Ridgewood News*, the official newspapers of the Borough of Dumont, filed with the Borough Clerk and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Marian Reitano	A	Kenneth Freeman	P
Elizabeth Marchese	A	Ken Melamed	A	Robert Huth	P
Eric Abrahamsen	P	William Goodman	P	Irwin Buchheister Alt # 1	P
Elmer Pacia Alt # 3	A	Chairman Timothy Hickey	P		

Others: Board Attorney – Kaufman, Bern, Deutsch & Leibman: Justin Santagata-P
Board Engineer – Birdsall Engineering: Chas Holloway-P
Board Planner – Neglia Engineering: Dan Kaufman-P
Board Clerk - Rosalia Bob-P

BUSINESS: All Joint Land Use Board Members Update Their Oath of Office

Chairman Timothy Hickey explains to the board members that at the request of the Mayor and Council the board members were asked to update their Oath of Office. Chairman Timothy Hickey, Robert Huth, William Goodman, Eric Abrahamsen, Kenneth Freeman, Thomas Trank and Irwin Buchheister were all sworn in and notarized by the board attorney, Justin Santagata. Justin Santagata states that the rest of the members will be sworn in at the next hearing when all are present.

BUSINESS: Review and Approval of Business Professional Invoices

Chairman Timothy Hickey states that he will sign off on these items as the meeting proceeds.

BUSINESS: Approval of May and June 2010 Minutes

Motion: Thomas Trank

2nd by: Eric Abrahamsen

ROLL CALL:

Thomas Trank	Y	Marian Reitano	NA	Kenneth Freeman	Y
Elizabeth Marchese	NA	Ken Melamed	NA	Robert Huth	Y
Eric Abrahamsen	Y	William Goodman	Y	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	NA	Chairman Timothy Hickey	Y		

Motion Approved: 7 – 0

RESOLUTION: 10-01 Borough Property 269 Washington Avenue

Chairman Timothy Hickey asks for a roll call to be taken to find out who in attendance was present for last months hearing.

ROLL CALL:

Thomas Trank	Y	Marian Reitano	NA	Kenneth Freeman	A
Elizabeth Marchese	NA	Ken Melamed	NA	Robert Huth	A
Eric Abrahamsen	A	William Goodman	Y	Irwin Buchheister Alt # 1	A
Elmer Pacia Alt # 3	NA	Chairman Timothy Hickey	A		

2 Members were present that participated in last month's hearing and 5 Members abstained due to attendance.

Chairman Timothy Hickey asks that the resolution be tabled to next months hearing, August 31, 2010.

FORMAL: 10-02 Anthony Morfesis 97 – 105 West Shore Avenue

Block- 904, Lots- 41 & 42

Site Plan Approval, Bulk Variances and Use Variance

The applicant's attorney Richard Kelly begins by presenting the board with the proof of mailing and proof of notice. Mr. Kelly details to the board the apparent state of the property and that it is any eyesore run down building and an old motorcycle shop. He details that the applicant intends to clean up the property, properly renovate the existing structure and use the facility as a fine art warehouse. Mr. Kelly explains that the property was originally zoned in the LI district but was amended to become part of the RA zone in the new Master Plan. He states that the applicant is seeking Site Plan approval, Use and

Bulk variances if needed. He further details that the applicant is not changing the size or the footprint of the existing structure. The applicant will only be doing building beautification and continuing a nonconforming use which already exists to the structure. Mr. Kelly explains that the residents behind the property will see a beautiful building rather than the view that exists today.

Richard Kelly presents his first witness, Anthony Morfesis. Mr. Kelly explains that the contract purchasers of the property are Anthony Morfesis's son, son in law and the son in laws brother. These three gentlemen own the fine art storage business together but they could not attend due to them being out of state moving a piece of art for a client from Tennessee to Florida. Mr. Kelly presents into evidence as A1 an affidavit allowing Anthony Morfesis to speak on their behalf. Anthony Morfesis begins by explaining the interior of the existing warehouse. He states that the inside of the building is full of parts, motorcycles, equipment and that everything from the business was left there as if someone had just disappeared. He explains that no one has occupied the space for approximately 4 years and there are 8-10 motorcycles still inside. Mr. Morfesis explains that the site consists of a warehouse and 6 office spaces next door which are attached. He states that he is not sure if the two areas are connecting in the interior and the total square footage of the building is approximately 16,000 square feet. Mr. Morfesis details that the applicants intended to use the facility as a storage warehouse for fine art. The fine art the company deals with ranges from 100,000 to anywhere upward to millions of dollars. He explains that the pieces range from paintings to large sized statues and the clients they work with are sophisticated private owners, corporate and or museum facilities. Mr. Morfesis states that the business is a family owned and run business and that the company has another storage facility in Hackensack which is also the place where they crate and ship the art pieces. He explains that a museum piece is generally stored anywhere between 6 months to 2 years depending on the collector. He further details that there are no retail sales or viewing of the pieces. Mr. Morfesis states that they will be beautifying the property and structure inside and out, changing the windows to block, installing an alarm system, installing temperature control rooms for different art storage purposes and keep the garage door since some of the art is big. The company owns a Mercedes Spritzer to port art to and from places and FedEx and UPS will be used to only deliver supplies. He explains that the traffic flow to the building will be minimal since art maybe only delivered 3-4 times per week and that the warehouse will be a place for art to go for storage and to stay there. Mr. Morfesis states that the business is a lively hood of transporting art from museums and the Hackensack location is equipped for the packing purposes and this location would solely be for storage. Mr. Morfesis details that the office space area looks now like colliers mansions and they are intending to fix the office spaces for rental to a small office business such as an accountant or attorney. He states that only one office space on the second floor will be used by the applicants as the office for the art storage company. Mr. Morfesis states that there are only 4 main employees to which have been with the company for 10-15 years and 1 or 2 employees are used to deliver pieces. He explains that the hours they will keep are 8AM – 4PM at best with no weekend hours. Mr. Morfesis details part of the beautification plans by installing a white fence in the rear of the property, stuccoing the exterior completely, changing the windows, changing the doors and landscaping the entire grounds. Chairman

Timothy Hickey states that the fence is not on the Site Plan submitted. Thomas Trank asks the applicant for further clarification as to the location of the warehouse and the office spaces. Anthony Morfesis shows the different areas on the building rendering and the board attorney, Justin Santagata places the rendering in evidence as A2. William Goodman asks where the units will be place for the controlled environment. Mr. Morfesis states the units will be on the roof. Chairman Timothy Hickey reconfirms that its 16,000 square feet for just storage, fine art, out grew their original location and there would be no retail. The board engineer, Chas Holloway details that the property is 15,215 square feet of storage and 3,690 square feet of rental office. Bob Huth asks where the block windows will be. Mr. Morfesis states they will only be on the warehouse. Justin Santagata asks if they had known the previous owner, did they know the scale of the use and did you know why they left. Mr. Morfesis states he did not know the previous owner and the property was a motorcycle and machine shop. He states that he's only aware they sold and repaired motorcycles and he is not sure why they left.

Chairman Timothy Hickey opens the hearing to the public. Tom Powers at 120 Park Avenue ask where the units on the roof will be located. It is explained that this will be answered during Site Plan review. Chairman Timothy Hickey closes the meeting to the public.

Richard Kelly discusses the need for the use variance. He states that all members are citizens of the borough and asks them to draw from the use that they know of the property. This particular property was zone changed to residential, another application for multifamily was denied and there has been no activity for 4-5 years. He explains that the original use of the property is a nonconforming use and the question is abandonment to which was the use intended to stop. Inside the building nothing shows that the use was abandoned. Richard Kelly asks the board if they will consider and vote if the warehouse and the offices are a continuation of the nonconforming use. Chairman Timothy Hickey and Justin Santagata consult on new use or continuation. Justin Santagata explains that the use is protected as a preexisting nonconforming use. He further states the things to consider are if the use now substantially similar to the existing use and has the use been abandoned. He explains that abandonment is subjective over a reasonable period of time and an ordinance cannot decide abandonment. Richard Kelly states that there is evidence that a use and nonconforming use does not expire. Justin Santagata states that this vote would only be one if it's a preexisting use. A resident Kelly Powers at 120 Park Avenue questions if this will change the zone of the property to commercial. Mr. Santagata explains that the zone will not change from residential but all the vote is stating is if the nonconforming use continues.

Motion that use is continued as a preexisting nonconforming use: Eric Abrahamsen
2nd by: Thomas Trank

ROLL CALL:

Thomas Trank	Y	Marian Reitano	NA	Kenneth Freeman	A
Elizabeth Marchese	NA	Ken Melamed	NA	Robert Huth	A

Eric Abrahamsen	Y	William Goodman	Y	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	NA	Chairman Timothy Hickey	Y		

Motion Approved: 5 – 2

Justin Santagata explains that the application is now only a C variance.

Richard Kelly presents his next witness Michael Hubschman the engineer of the project. Mr. Hubschman states that he prepared the Site Plan and begins to detail the existing conditions on the property. He states that the property contains a 1 story warehouse & 2 story office space building, rear is the storage area, they are industrial buildings, chain link fences with barbwire are in the front that are to be removed and a paved area in the front that will also be removed. Mr. Hubschman enters into evidence A4 photographs of the existing site. He states that the front of the building will be changed by the center canopy being removed along with loading dock will be jack hammered out, then that area will be paved and 2 parking spaces will be striped along with a new loading dock area. Mr. Hubschman explains the lighting plan and states there will be no lighting at the rear of the property except for only a safety light over the rear access door. He states that the setbacks are legal nonconforming and the decreased paved area and the decrease of the canopy will only better improve the setbacks. He further explains that the green area percentage will increase 10%. Mr. Hubschman states that the height is in compliance, the front section will be 23 ½ feet and there will be a few more parking spaces within the site totaling 3 and it is not anticipated to have any type of large traffic volume. He states that the applicant will apply new stucco to the building, add a retaining wall in the front and redo the sidewalks and paving. He also explains that there will be a 6 foot PVC fence in the rear of the property running the whole length and pine trees will be planted. Eric Abrahamsen asks about any underground fuel tanks or waste oil tanks. Mr. Hubschman states there are no tanks and some contamination they will have to clean up. Chairman Timothy Hickey questions the parking. Mr. Hubschman states that for the square footage of the rental office space the ordinance would calculate that 12.3 parking spaces would be required but with leaving the site with the existing structures would not enable this so they state that for parking an individual would have to utilize the public parking across the street. Thomas Trank asks how the upper offices will be accessed and will the office spaces be handicap accessible. Mr. Hubschman states that the second floor office has a staircase and the rooms are too small to be handicap accessible and that the 6 rooms/suites will be a rental space for 1 office. Chas Holloway discusses the report regarding the fence and improvements to the side and asks how often the middle area will be utilized.

Chairman Timothy Hickey opens the hearing to the public. Tom Powers at 120 Park Avenue ask if it is possible to get a higher fence in the back. Mr. Hubschman states that the ordinance allows for a 6 foot fence yet the applicant has no objection if the board wants a higher fence. Chairman Timothy Hickey closes the hearing to the public.

Richard Kelly presents his next witness Robert Zampoiln the architect for the project. Mr. Zampoiln details the improvements made to the building. He states that all the

aluminum siding will be removed, shed roof will be removed and all the single pane windows will be removed. He explains that lead block will be used as a security feature and the building will have a more contemporary sleek look. The re-stuccoing will be done over Styrofoam board for more insulation, the retaining wall will be removed and a keystone block wall will be added along with landscaping. Mr. Zampoiln states that there will be no sprinkler system because water will greatly damage the fine art stored in the warehouse but a specified fire detection system will definitely be in place. He states that the two AC units will be added on the roof and will be located close to the railroad side of the building. Chairman Timothy Hickey asks if the exterior system will it be water managed and how exactly will the art be stored. Mr. Zampoiln explains that it will be a rain screen system and the art will be inside a special contained room where the air will be at a constant regulated temperature. Chairman Timothy Hickey asks how will the temperature be maintained and what type of fire detection system. Mr. Zampoiln states that it will be a constant temperature threw the warehouse and the insurance company for the fine art will be very specific on the appropriate fire alarm system required. Chas Holloway asks about the building signage and the cleanup of the interior of the building. Mr. Morfesis states that they are only putting up numbering signs on the building and further explains that the property owners still own what's inside the building and that they will remove what items they want and everything else will be thrown away.

Chairman Timothy Hickey opens the hearing to the public. Tom Powers at 120 Park Avenue ask what the area is in the back part where there is a rounded roof. Mr. Zampoiln states that is part of the warehouse building. Chairman Timothy Hickey closes the hearing to the public.

Richard Kelly states that the board has heard all the testimony and begins explaining the variances needed such as the bulk variances for lot coverage and green area. A parking variance is also needed because the site cannot provide for onsite parking. Richard Kelly further surmises closing comments to the board. Thomas Trank discusses if the police department have any comments regarding the use of the public parking across the street. He also brings up concerns on the south loading dock side which is adjacent to a residential home and if the people within that home will be exposed to truck fumes from that area. Thomas Trank asks that provision be made to protect that house from the noise and fumes. Dan Kaufman and Chas Holloway discuss the fence both stating that a fence variance will be needed if exceeding the 6 foot height and the different types of fencing that could be used.

Chairman Timothy Hickey opens the hearing to the public. Tom Powers at 120 Park Avenue asks is that area can be baited before construction begins because there is a huge pest control problem in that building. Mr. Morfesis states that if he closes on the property then he will immediately have the entire area exterminated.

Chairman Timothy hickey and the board go over concerns and conditions that would need to be met such as the recommendations of the professionals and residents in the area, parking issues, applicant to address the homeowner of the parcel directing to the side of the property for any concerns, fence to accommodate the neighbors on the side

and rear of the property, and pest control the area. Chas Holloway states that the applicant should also submit a floor plan of a basic layout. Chairman Timothy Hickey calls for a motion from the board.

Motion to Approve: Thomas Trank
2nd by: Bob Huth

ROLL CALL:

Thomas Trank	Y	Marian Reitano	NA	Kenneth Freeman	A
Elizabeth Marchese	NA	Ken Melamed	NA	Robert Huth	Y
Eric Abrahamsen	Y	William Goodman	Y	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	NA	Chairman Timothy Hickey	Y		

Motion Approved:

Motion to Adjourn: Bob Huth
2nd by: Thomas Trank

Minutes respectfully submitted by:
Rosalia Bob
Joint Land Use Board Clerk